

Town Council Meeting: 14 June 2010



Town of Garrett Park
PO Box 84
4600 Waverly Avenue
Garrett Park, MD 20896

Regular Meeting of Town Council
Garrett Park Town Hall
10814 Kenilworth Avenue
Garrett Park, MD 20896

MINUTES

Call to Order: Mayor Keller called the meeting to order at 8:00 PM. Present were Councilmembers Irons, Mandel, Petito, Schulp, and Wegner. Also present was Administrator Pratt, Margaret Soltan of the *Bugle*, a reporter from the *Gazette*, a large number of Town residents, and a number of residents of Parkside.

Approval of Agenda: Mayor Keller noted that Mandi Mader, who was presenting a petition on behalf of Rokeby Avenue residents, had requested to speak first, as she had a sick daughter at home. The agenda was approved as posted without objection.

Presentations by Residents:

- Submission of Petition Requesting Speed Humps on Lower Rokeby Avenue
 - Mandi Mader presented a petition from residents on Rokeby Avenue asking that two new speed humps be placed in the roadway between 11303 and 11310. Ms. Mader noted that in recent years the number of young children in the area had significantly increased and families were concerned for their safety. Mayor Keller asked that the signatories draw up a map indicating proposed locations. Councilmember Wegner stated that he would be glad to meet with residents to review possible locations with them. It was the sense of the Council that once locations were agreed to the new speed humps should be installed.
- Garrett Park Cooperative Nursery School: Community Center Renovations & Financing Update - Tara Flynn presented a memo and summary regarding the proposed renovation of the Community Center building, including fundraising and estimated costs related to the project (Attached to these minutes). Councilmembers asked a number of questions and there was extended discussion. Mayor Keller summarized the status of the negotiations with the Montgomery County Parks Department, noting that issues regarding covenants on the existing deed from Montgomery County Schools to the Parks Department had been resolved and that the School Board was set to take the necessary action in its June 28 meeting to extinguish the covenants, allowing the Parks Department to give the Town clear title to the property. Councilmembers Petito and Schulp reported that negotiations with Nursery School regarding a lease were progressing.

well. Ms. Bennett urged the Council to take action on accepting the transfer of the property so that a lease could be signed and the Nursery School could establish access to the property to commence the renovation process. Councilmember Mandel **MOVED**

That the Town accept the Montgomery County Parks Department's offer to transfer the Garrett Park Estates Local Park and Community Center to the Town, and that the Council authorize the Mayor to carry out all necessary negotiations with the Parks Department and to execute all documents required to finalize the transfer. Councilmember Wegner seconded the motion. Mayor Keller stated that he was willing to accept this responsibility provided that Councilmembers agreed to respond promptly to any requests for comment, as it would be his intention to keep them fully informed of his activity. The motion **PASSED** unanimously.

- Resident Susan Alexander addressed the Council regarding two mature Willow Oaks located on the south side of Oxford Street, immediately to the west of Kenilworth Avenue, which the Washington Suburban Sanitary Commission (WSSC) proposes to remove as part of the plan to install a larger water service to the new Garrett Park Elementary School. Ms. Alexander noted that the trees were part of a row of five, that their removal was unacceptable, and that the Mayor and Council needed to take any and all steps necessary to prevent their removal. In aid of this effort, Ms. Alexander gave the Council a copy of a legal opinion she had obtained which indicated that the Town had standing to prevent the installation of the new water service in a manner that would harm the trees.

Resident Mike Henley stated that he had spoken with the son of the family that had built the adjacent home at 4800 Oxford Street, and that the son had said that the trees may have been planted to commemorate World War One veterans. There was extended discussion. Resident Chuck Berry presented a plan showing an alternate site for the valve/meter vault, the proposed location of which was the primary reason for the trees' removal. There was further discussion, with residents of Parkside also voicing their concern

Mayor Keller noted that public utilities such as WSSC had certain rights to installation of services in public ways, but that the Town would revisit the legal issues in light of the legal opinion Ms. Alexander had just given to the Council. The Mayor noted that the Town had continuously voiced strong opposition to the trees' removal and had reached out to other officials for support, including Chairman Royce Hanson of the Maryland-National Capital Park and Planning Commission, who subsequently wrote to the chairman of WSSC urging that the trees be spared. Mayor Keller assured the residents that he, members of the Town Council, and other officials would continue to press Montgomery County Public Schools and WSSC to come up with an alternative design, or provide specific reasons why the proposed water service layout could not be changed, and that

Chuck Berry's suggestion would be forwarded to the proper individuals as soon as possible.

Mayor's Report:

- Mayor Keller informed the Council that he had asked by resident Steph Hooton to review the new school bus stops proposed for Garrett Park Elementary School student for the period that they would be bused to the GPES temporary location at Grosvenor.

Councilmember's Reports on Areas of Responsibility

- Councilmember Irons reported that the Land Use Task Force was wrapping up its work on a report to the Council and expects its final meeting to be on June 24th.
- Councilmember Wegner reported on the sidewalk survey that he and Maintenance Superintendent Frost had performed, and that a written characterization of the conditions of various sections of sidewalks would be developed. Councilmember Wegner indicated that a survey of Kenilworth Avenue from Strathmore Avenue to the Town line was planned when Chester Engineering was in town in order to accurately delineate the Town's right-of-way (ROW) and the layout of the roadway, sidewalks, Town trees, and structures in the ROW, and that a number of bounds would be set at appropriate locations.
- Mayor Keller noted that FY 2011 Council assignments were being finalized and would be posted soon.

Approval of Minutes:

- Councilmember Hans Wegner **MOVED**
That the minutes of the 05/10/2010 Regular Council Meeting be approved, as corrected. The motion was seconded by Councilmember Schulp and **PASSED** unanimously.

Action/Discussion:

- Election Judges Report on the 2010 Town Election - Chief Judge Heyman delivered a report on the annual Town election (attached to these minutes).
- Introduction of Ordinance 2010-03: Addition of Section 113 to the Garrett Park Code of Ordinances "Garrett Park Archives and Archives Committee"
- Mayor Keller noted that it had been intended to name the new committee the "Barbara Shidler Archives Committee" in honor of Barbara Shidler's many years of service to the archives and to the Town. Councilmember Irons **MOVED**
That Ordinance 2010-03 be introduced with the Archives Committee to be named for Barbara Shidler. Councilmember Mandel seconded the motion. (The Ordinance, as introduced, is attached to these minutes.) Mayor Keller, in response to a question from Councilmember Schulp, noted that the new Archives Committee would not have hiring or budgetary authority - that would remain with the Council and Mayor, as

was the case with other Town employees. There was discussion of the terms of appointment to the committee. Mayor Keller called for the vote and the motion was **PASSED** unanimously.

- FY 2010 Operating & Capital Budget Transfers - Mayor Keller and Administrator Pratt reviewed the proposed transfers within the FY 2010 budget (Attached to these minutes). Councilmember Wegner **MOVED**

That the proposed transfers within the FY 2010 budget be approved as distributed. Councilmember Mandel seconded the motion, which **PASSED** unanimously.

- Cancellation of August Council Meeting - Mayor Keller noted that if the Council wished to do so, the Town Charter required that the cancellation of the August meeting take place in the June meeting. Councilmember Schulp **MOVED**

That the August Council meeting be cancelled. Councilmember Irons seconded the motion, which **PASSED** unanimously.

Town Administrator Report:

- Monthly Financial Report - Administrator Pratt reviewed the monthly financial report with the council.

Adjournment: The meeting adjourned at 10:45 PM.

Respectfully submitted,

[TOWN SEAL]

Edwin Pratt, Jr., Clerk-Treasurer

06-14-2010

ELECTION JUDGES' FINAL REPORT

Two philosophical principles guide our work on making the town's elections fair and transparent. The first is that the judges, election workers and the town employees who deal with election concerns must be impartial. The second is that all persons who are eligible to vote be allowed and encouraged to engage in the electoral process.

Registration

Registration 30 days before the election is required. Anyone appearing on the voter rolls issued by the Montgomery County Board of Elections will be allowed to vote. Anyone whose name is not on the rolls cannot vote, with the exception of non-citizens who have registered in the town office 30 days before the election. It is not the responsibility of the judges to clean up the rolls.

Absentee/Emergency Ballots

Absentee ballots are available 20 days before an election date to a voter who requests one by email, phone or in person. No reason is required.

In keeping with the national and local trend, we believe that no medical or work excuse should be required for the provision of last minute, so-called "emergency" ballots. Because mail within town is delivered within one day, last minute ballots can be mailed up until the Friday before the election. Any requests over the weekend should be handled by an appointed judge who delivers and returns the completed ballots. Anyone issued an absentee ballot may only vote using that ballot.

Sample Ballots

Actual ballots printed should be identical in content but different in color or style from published sample ballots. The word "sample" should appear across the text on sample ballots so that they cannot be reproduced

Number of Judges

The number of judges should remain the same, but the use of an alternate judge has worked well. A specific assignment of the alternate judge will be to review and verify the clerk's compilation of data.

Venue

Because of crowding, noise, and other distractions, we suggest that the voting be held in the Town Hall. We recommend that temporary parking restrictions be imposed on that block of Kenilworth and perhaps Oxford for election day. Notice of such changes should be posted well in advance, and, as a courtesy, special letters should be sent to residents directly affected.

Ordinance 2010-03
Introduced: 06/14/2010

WHEREAS, For many years, documents, maps, pictures, memorabilia, and many other items have been given to or collected by the Town's Clerk-Treasurers; and

WHEREAS, This collection is now stored in a room in Penn Place that is named for Sybil Griffin, Clerk-Treasurer from 1965 through 1975, who began the effort to organize and preserve it; and

WHEREAS, Over the ensuing years both the Town government and a number of dedicated volunteers have encouraged residents to donate materials that depict life in Garrett Park, memorialize individual residents, document historic properties, and provide a record of various events and activities that have taken place in Garrett Park; and

WHEREAS, An oral history program was begun in the 1970's under the leadership of Joan Gurian and Barbara Shidler, and significant Town funds have been invested in obtaining, transcribing, and preserving recordings made by residents recounting their lives in Garrett Park, thus providing an invaluable source for historians and all residents; and

WHEREAS, Barbara Shidler became the Town's first Archivist in 2003, and upon her retirement in 2009, a committee was formed to make recommendations to the Town Council as to how best to manage the archives, preserve and expand the collection, and make the collection more accessible to the public while protecting its integrity; and

WHEREAS, The committee recommended to the Town Council in April of 2010 that the Garrett Park Archives Committee be formally established;

NOW, THEREFORE, the Town Council of Garrett Park, finding that it would be in the interest of the Town and its residents to formalize the establishment of the Town Archives and create an Archives Committee to advise the Council and the Town in the ongoing activities of the Archives, hereby adopts, under the authority granted to the Council by Section 78-17 of the Garrett Park Charter, the following Ordinance.

Section 113. Garrett Park Archives and Archives Committee

(a) Statement of Policy

(1) History. For many years, the Town, through its Clerk-Treasurers and interested residents, has collected documents, maps, pictures, memorabilia, and many other items relevant to the long and colorful history of the Town and its residents. The

Town recognizes the unique resource that these materials provide and wishes to ensure their continued safekeeping, encourage their expansion, and make the collection more accessible to the public while protecting its integrity.

(2) Purpose. To formalize the establishment of the Garrett Park Town Archives and to organize the Garrett Park Archives Committee.

(b) The Garrett Park Town Archives

(1) There is hereby created the Garrett Park Town Archives, hereinafter known as the Archives.

(2) The Archives shall consist of documents, maps, pictures, memorabilia, and other items of an historic interest, as well as such public records that Maryland law requires the Town to preserve or that may be generated in the governance of the Town.

(c) The Committee

(1) There is hereby created a Garrett Park Archives Committee, to be named "The Barbara Shidler Archives Committee", hereinafter known as the Committee.

(2) The Committee shall consist of no more than seven (7) citizen members, the Clerk-Treasurer, and a member of the Council. The Mayor shall be an *ex officio* member of the Committee.

(3) The Mayor shall appoint, with the approval of the Council, members of the Committee from among Town residents who have lived in Garrett Park for at least one year and who are qualified by special interest, knowledge, experience or training in such fields as library science, records conservation, database compilation and maintenance, historic preservation, oral history, or complementary disciplines. If feasible, one member of the Archives Committee shall be drawn from the membership of the Historic Preservation Committee established by Section 400 of this Code. Members shall be appointed for a term of five years, except that in making initial appointments, some appointments shall be for less than five years so that no more than two (2) terms shall have simultaneous expiration dates. The Mayor shall appoint a Council member, and that member's term on the Committee shall be concurrent with the member's Council term. Vacancies on the Committee that are created by the resignation or other discontinuation of a member prior to the expiration of the member's term shall be selected by the Mayor, with the advice and consent of the Council, for the unexpired term of the

replaced member. A member may be removed for failure to attend meetings regularly or misconduct.

(4) The members of the Committee shall serve without compensation, but they may be reimbursed for actual expenses incurred in the performance of their duties, provided such expenses are approved by the Council.

(5) The Town shall provide in its annual budget such funds as may be required for the operation of the Committee.

(6) The Chair and Vice-Chair shall be elected by the members of the Committee. The Committee may adopt such procedural rules as may be necessary or appropriate for the conduct of its business. The Committee may create a category of adjunct Committee membership to be comprised of no more than three persons, not residents of Garrett Park, whose participation on the Committee, by virtue of academic, professional or other qualification in the fields specified in Section 113 (c)(3), above, benefits the Committee and Town.

(d) Powers of the Committee

(1) The Committee, in conformity with the policy set forth in this Section of the Code, shall advise the Council with respect to all issues involving or affecting the Town Archives.

(2) The Committee may, from time to time, undertake educational initiatives to advance the understanding and appreciation of the Archives and on other historical matters of general interest in the Town.

FY 2010 Budget Transfers

Legend: **On Budget** **Under Budget** **Over Budget**

EXPENDITURES	ACTUAL 07/01/14	% Budget	Current Budget	EOY Projection	Proposed Transfer	Type of Transfer	Explanation
	100%						
<u>10000 - Personnel</u>	<u>\$352,699</u>	<u>96%</u>	<u>\$368,850</u>	<u>\$362,090</u>	<u>(\$6,760)</u>	<u>Out</u>	
10100 -- Salaries	\$235,220	95%	\$246,700	\$245,450	(\$1,250)		
10200 -- Overtime	\$19,604	392%	\$5,000	\$9,610	\$4,610	Internal	Winter Storms
10300 -- Benefits	\$75,042	82%	\$91,900	\$82,480	(\$9,420)		Health Ins.
10400 -- Payroll Taxes, Etc.	\$22,832	90%	\$25,250	\$24,550	(\$700)		Savings
							Overtime Pay
							Leave Buyback
<u>11000 - Town Administration</u>	<u>\$89,710</u>	<u>81%</u>	<u>\$111,400</u>	<u>\$104,410</u>	<u>(\$6,990)</u>	<u>Out</u>	
11100 -- Elected & Appointed Officials	\$4,538	43%	\$10,500	\$7,325	(\$3,175)		
11200 -- Elections	\$973	65%	\$1,500	\$985	(\$515)		
11300 -- Archives & Public Records	\$13,645	65%	\$21,000	\$15,680	(\$5,320)		
11400 -- General Administrative Expenses	\$17,250	77%	\$22,500	\$19,915	(\$2,585)		
11700 -- Professional Fees	\$42,845	94%	\$45,400	\$49,825	\$4,425	Internal	Community Center
11800 -- Insurance	\$8,566	95%	\$9,000	\$8,590	(\$410)		
11900 -- Town Administration - Other	\$1,894	126%	\$1,500	\$2,090	\$590	Internal	
<u>12000 - Sponsorships, Subscriptions, Dues</u>	<u>\$9,452</u>	<u>90%</u>	<u>\$10,500</u>	<u>\$10,460</u>	<u>(\$40)</u>		
12100 -- Membership Dues	\$3,146	98%	\$3,200	\$3,150	(\$50)		
12200 -- Sponsorships	\$6,116	86%	\$7,100	\$7,120	\$20		
12300 -- Subscriptions	\$190	95%	\$200	\$190	(\$10)		
<u>13000 - Building & Grounds</u>	<u>\$90,291</u>	<u>86%</u>	<u>\$105,250</u>	<u>\$98,440</u>	<u>(\$6,810)</u>	<u>Out</u>	
13100 -- Buildings & Grounds Management	\$1,630	82%	\$2,000	\$1,650	(\$350)		
13200 -- Penn Place	\$67,027	88%	\$76,550	\$72,980	(\$3,570)		
13300 -- Town Hall	\$10,620	84%	\$12,700	\$12,535	(\$165)		
13400 -- Maintenance Facility	\$8,134	108%	\$7,500	\$8,275	\$775	Internal	Pepco
13500 -- Community Center	\$2,880	44%	\$6,500	\$3,000	(\$3,500)		
<u>14000 - Town Services</u>	<u>\$201,571</u>	<u>90%</u>	<u>\$223,900</u>	<u>\$228,240</u>	<u>\$4,340</u>	<u>In</u>	
14100 -- Roads & Sidewalks	\$52,674	82%	\$64,150	\$56,385	(\$7,765)		
14200 -- Stormwater Drainage	\$6,276	209%	\$3,000	\$6,350	\$3,350		Wells Park & Argyle Inlet Repairs

EXPENDITURES	ACTUAL 07/01/14	% Budget	Current Budget	EOY Projection	Proposed Transfer	Type of Transfer	Explanation
14300 -- Municipal Refuse Removal	\$116,162	95%	\$121,800	\$116,330	(\$5,470)		Fuel savings
14400 -- Arboretum	\$19,826	72%	\$27,550	\$41,365	\$13,815		Poplars & Elm
14500 -- Fees	\$3,381	270%	\$1,250	\$3,600	\$2,350		WSSC Hydrant Fee
14600 -- Parks	\$3,252	53%	\$6,150	\$4,210	(\$1,940)		
<u>16000 - Equipment Maintenance & Repair</u>	<u>\$12,423</u>	<u>94%</u>	<u>\$13,250</u>	<u>\$16,050</u>	<u>\$2,800</u>	<u>In</u>	Fuel Expense, Chipper & Tractor Repairs
<u>17000 - Publication Expenses</u>	<u>\$610</u>	<u>24%</u>	<u>\$2,500</u>	<u>\$1,160</u>	<u>(\$1,340)</u>	<u>Out</u>	
<u>18000 - Conferences & Conventions</u>	<u>\$1,220</u>	<u>49%</u>	<u>\$2,500</u>	<u>\$1,875</u>	<u>(\$625)</u>	<u>Out</u>	
<u>19000 - Contingency</u>	<u>\$0</u>		<u>\$30,000</u>	<u>\$0</u>	<u>\$0</u>	<u>None</u>	
<u>20000 - Interest, Depreciation, Debt</u>	<u>\$60,934</u>	<u>99%</u>	<u>\$61,525</u>	<u>\$60,680</u>	<u>(\$845)</u>	<u>Out</u>	
<u>21000 - Taxes & Bad Debt</u>	<u>\$3,004</u>	<u>94%</u>	<u>\$3,200</u>	<u>\$3,430</u>	<u>\$230</u>	<u>In</u>	Increase in County Energy Tax
Total Operating Expense:	\$821,914	88%	\$932,875	\$886,835	(\$16,040)		

Projected EOY
Operating
Surplus/(Deficit):

<u>23900 -Capital Contingency</u>	Transfers Required:	\$2,500	To Vehicle Purchases: 2011 F350 Truck outfitting
		\$5,000	To Cambria Tennis Court for Survey Expense
		\$550	To Cambria Park Project - Closeout Expenses
		(\$880)	From Cambria Park Playground Equipment
		\$5,000	To Capital Planning
	Total Transfers:	\$12,170	
	Balance Remaining:	\$37,830	Carries forward into FY2011.